



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Application Division
 Solomon P. Wasser) ATTN: BOX MISSING PARTS
 Serial No.: 10/705,196) Washington, D.C.
 Filing Date: November 12, 2003) Confirmation No. 2921
 For: SUBSTRATE AND METHOD FOR GROWING SHIITAKE...) April 26, 2004

LATE SUBMISSION OF FILING FEE AND/OR DECLARATION
 FILED UNDER 37 CFR 1.53(b)

U.S. Patent and Trademark Office
 2011 South Clark Place
 Customer Window, Mail Stop Missing Parts
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, Virginia 22202
 Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION..." dated February 26, 2004. Attached hereto is/are:

- [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title (see top of page 2) and to which is attached a duplicate copy of the application as filed.
 [XX] Application Data Sheet.
 [] Preliminary Amendment. [] Fees are reduced due to elimination of claim multi-dependencies
 [] A certified copy of priority document no. _____, filed _____ Priority is claimed.
 [] An Information Disclosure Statement with 08A-1449 and _____ references.
 [XX] Total fees in the amount of: \$592.00.

The filing fee is calculated below:

	(Col. 1)	(Col. 2)		SMALL ENTITY			OTHER THAN SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA		RATE	FEE	OR	RATE	FEE
BASIC FEE					\$ 385.00	OR		\$770.00
TOTAL CLAIMS	31-20	11		X 9 =	\$ 99.00		X 18 =	\$
INDEP. CLAIMS	4- 3	1		X 43 =	\$ 43.00		X 86 =	\$
[] MULTIPLE DEPENDENT CLAIMS PRESENTED				+ 145 =	\$		+ 290 =	\$
If the difference in Col. 1 is less than 0, enter "0" in Col. 2				TOTAL	\$ 572.00		TOTAL	\$

- [] Surcharge for late filing of English translation \$ 130.00
 [XX] Late filing of Declaration surcharge in the amount of:
 Small Entity [XX] \$65.00 Other than Small Entity [] \$130.00
 [XX] Applicant claims small entity status. See 37 CFR 1.27.
 [] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a).

The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 55.00
 [] Second - \$ 210.00
 [] Third - \$ 475.00
 [] Fourth - \$ 740.00
 [] Fifth - \$1,005.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- [] First - \$ 110.00
 [] Second - \$ 420.00
 [] Third - \$ 950.00
 [] Fourth - \$1,480.00
 [] Fifth - \$2,010.00

Month After Time Period Set

- [XX] Conditional Petition for Extension of Time:
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
 [XX] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$592.00 is enclosed to cover the fees.
 [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEWMARK, P.L.L.C.
 Attorneys for Applicant(s)

By: 

Sheridan Neimark
 Registration No. 20,520



Page 1 of 2 Pages [] Original [] Substitute [] Supplemental

Atty. Docket:

Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which (check one)

- [X] is attached hereto;
[] was filed in the United States under 35 U.S.C. /111 on _____, as
U.S. Appln. No. _____*; or
[] was/will be filed in the U.S. under 35 U.S.C. /371 by entry into the U.S. national stage of an international
(PCT) application, _____; filed _____, entry requested on ____*; national stage application
received U.S. Appln. No. _____*; /371//102(e) date _____* (* if known)

and was amended on _____ (if applicable).

(include dates of amendments under PCT Art. 19 and 34 if PCT)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or under §365(a) of any PCT application which designated at least one country other than the U.S., listed below:

Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____
_____	_____	_____

If I claimed foreign priority above, I hereby identify below any foreign application for patent (including an international (PCT) application designating a country other than the United States) or for an inventor's or plant breeder's certificate, having a filing date before that of the earliest application from which foreign priority is claimed (if left blank, then there are none):

Non-Priority Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional applications listed below:

Application No.	Filing Date (MM/DD/YYYY)
_____	_____
_____	_____

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date (MM/DD/YYYY)	Status (patented, pending, abandoned)
_____	_____	_____
_____	_____	_____

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

All of the practitioners associated with Customer Number 001444

Direct all correspondence to the address associated with Customer Number 001444, which is presently:

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, D.C. 20001-5303
(202) 628-5197

Title: SUBSTRATE AND METHOD FOR GROWING SHIITAKE MUSHROOMS [LENTINUS EDODES
(BERK.) _____

SINGER] AND NEW SHIITAKE STRAIN

U.S. Application filed _____, Serial No. _____

PCT Application filed _____, Serial No. _____

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from _____ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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RESIDENCE		CITIZENSHIP	
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RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF SIXTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			